

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : :

v. : CRIMINAL NO. 3:CR-21-287

JAMES J. PEPERNO, JR., : (JUDGE MANNION)

Defendant : :

**ORDER**

Based on the court's Memorandum issued this same day, IT IS  
**HEREBY ORDERED THAT:** Defendant Peperno's motion *in limine* to preclude the government's use of evidence involving his prior mail fraud conviction and restitution obligation, (Doc. 37), is **DENIED IN ITS ENTIRETY**. The government will be allowed to use the proffered evidence of Peperno's prior conviction and restitution obligation in its case-in-chief at trial, as intrinsic evidence for Counts 9-11, and as admissible under Rule 404(b) for Counts 7 and 8. Further, after the government completes its case-in-chief, the government will also be allowed to impeach Peperno with his prior conviction under FRE 609 should he testify at trial.

*s/ Malachy E. Mannion*  
MALACHY E. MANNION  
United States District Judge

**DATE: June 21, 2022**

21-287-03-Order